IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 409 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE DN PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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AMIT USMANBHAI & 2 - Applicant(s)
Versus
THE STATE OF GUJARAT - Respondent(s)

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Appearance :
MS ROOPAL R PATEL for Applicant(s) : 1 - 3.
MS NANDINI JOSHI APP for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE DN PATEL

Date : 14/07/2006

ORAL JUDGMENT

1. Rule. Learned APP Ms. N.V.Joshi waives service of rule on behaof of the respondent-State.

2. The present application has been preferred aggainst the order passed by the learned Addl. Sessions Judge & Presiding Officer, 7th Fast Track Court, Rajkot, below Exh.33 in Sessions Case No.25 of 2000, dated 26th May, 2005 whereby the application by the present petitioners under Section 91 of the Code of Criminal Procedure, 1873, was dismissed and thus the request made by the present petitioners to produce documents which are referred to at Annexure B, page 11 of the memo of present application was dismissed. These documents are on the record of the police authority. Looking to the nature of documents, if they are available to the respondent, such documents ought not to have been suppressed. On the contrary, to make the investigation transparrent enough and to provide adequate opportunity to the present petitioners, if the documents which are referred to at Annexure B i.e. Exh. 33 Application in Sessions Case No.25 of 2006 ought to be presented before the Court and a copy must be supplied to the present petitioners.

3. I have heard Ms. Nandini Joshi, learned Addl. Public Prosecutor, who has submitted upon instruction from Ranchhodbhai, son of

Arjanbhai Kachad, Head Constable, Buckle No.419, Jasdan Police Station that documents which are referred to below Exh.33 in Sessions case No.25 of 2006 shall be supplied to the present petitioners. It is submitted by learned APP that the Appliction Exh.33 is an exaggerated application as if several statements have been recorded on 9th December, 2005 and as if they there are several entries, but there is only one statement dated 9th December, 2005 and there is only one entry which shall be supplied by the prosecution to the present petitioners.

4. In view of these submissions, the present Revision Application is allowed. The documents which are referred to in Exh.33 in Sessions case No.25 of 2006, as stated by learned APP, upon instruction, shall be supplied to the present petitioners on or before 11th August, 2006. Rule is made to the aforesaid extent. D.S. Permitted.

(D.N.PATEL, J.)

*mithabhai